

# Determining Citizenship or Immigration Status

This worksheet is designed to help Assistors determine which of the 5 Citizenship/Immigration categories listed in the NY State of Health application to select for an individual consumer.

Assistors may use this tool as a script and read through the entire script asking consumers specific questions so that the individual can be determined correctly in the Marketplace based on their appropriate citizenship or immigration status.

**1. Are you a United States (US) citizen by birth, or were you born abroad to parents of whom at least one was a US citizen at the time of your birth, or are you a US National?** If Yes, check the box marked "US Citizen."

- Don't forget, this category includes citizens of Puerto Rico, Guam, US Virgin Islands, Northern Mariana Islands, American Samoa, Swains Island or other US Territories.

US Citizen

If no, move to question #2.

**2. Are you a US citizen by Naturalization or were you under the age of 18 when your parent(s) in whose custody you reside naturalized.** If yes, check the box marked "Naturalized Citizen."

Naturalized Citizen

If no, move to question #3.

**3. Are you living in the United States with permission from the United States Citizenship and Immigration Services (USCIS)?**

If yes, ask: **Are you here on a short-term visa?** If yes, move to question #4. If no, mark "Immigrant Non-Citizen."

Immigrant Non-Citizen

What does this question mean? Below is a list of questions to help Assistors understand what this means. Anyone who can answer yes, would be appropriately marked as an "Immigrant Non-Citizen." Please note, this additional list of example questions is not comprehensive.

- *Are you a green card holder/lawful permanent resident?*
- *Do you have an employment authorization card which is not expired?*
- *Are you an asylee?*
- *Are you a refugee?*
- *Have you had any contact with immigration services (USCIS, ICE, CBP)?*
- *Are you in the process of applying for an immigration benefit?*
- *Do you have evidence of any correspondence with immigration or the Department of State concerning your status?*
- *Even if you do not have lawful status, do you have permission to reside here does the immigration agency know you're here? Even if you are not here permanently? (PRUCOL)*
- *Are you a Cross Border Native American?*
- *Have you been granted withholding of removal?*
- *Are you a Cuban/Haitian Entrant who was granted parole status after October 1980?*
- *Are you a certified victim of trafficking?*
- *Are you an Amerasian?*
- *Are you an Iraq or Afghan Special Immigrant Visa Holder?*
- *Are you currently Granted Parole for period of more than 1 year (not medical)?*
- *Are you a Battered spouse or child(ren) of US Citizen or Lawful Permanent Resident petitioning under Violence Against Women Act (VAWA)?*
- *Are you a non-citizen who can show continuous residence since on or before 1/1/1972?*

Immigrant Non-Citizen

If no, move to question #4.

**4. Are you a Non-Immigrant Visa Holder?** Sometimes individuals in this category may be also called a Temporary Non-Immigrant or a Short-Term Visa Holder. If Yes, check the box marked “Non-Immigrant Visa Holder.”

What does this mean? Below are a few examples of what this means. Anyone who can answer yes, would be appropriately marked as a “Non-Immigrant Visa Holder.” Please note, this additional list of example questions is not comprehensive.

- *Are you a worker here on an H visa?*
- *Are you here on a student visa, such as an F or M visa?*
- *Are you here on a tourist visa for business or pleasure such as a B visa?*
- *Are you the spouse of a Lawful Permanent Resident here on a V visa?*
- *Are you the spouse or child of a US Citizen here on a K3/K4 visa?*
- *Are you a religious worker here on an R visa?*
- *Are you a person here on with a special ability such as an artist, scientist, athlete on an O or P visa?*
- *Are you a cultural exchange visitor here on a J visa?*
- *Are you a victim of crime here on a U visa?*

- This question includes checking that the consumer has not overstayed their visa or have an expired visa. If the consumer has overstayed their visa or has an expired visa, do not mark them as a “Non-Immigrant Visa Holder.” Instead, move to question #5.
- Please note, consumers who are on a medical visa are not eligible for coverage through the Marketplace.

Non-Immigrant Visa Holder

If no, move to question #5.

**5. If you cannot answer yes to any of the previous questions, check the box for “Other.”**

- Other includes the following four (4) categories of individuals:
  - An individual who entered this country on a valid visa who has now overstayed their visa or has an expired visa and has no application pending with immigration.
  - An individual who entered this country without inspection and has no application pending with immigration.
  - An individual who has been ordered removed/deported and does not have a stay.
  - An individual who has been ordered removed/deported and is not under an order of supervision.

Other

*\*When Assistors are uploading documentation of an individual’s citizenship/immigration status, they should refer to the “Documentation Checklist for Assistors” to make sure that the documentation provided matches the citizenship/immigration category already selected in the application.*